

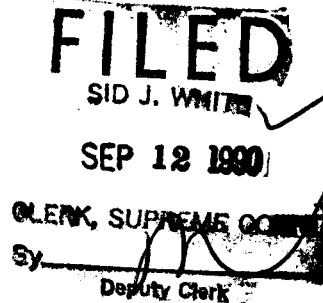
IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Petitioner,

CASE NO. 74,030

vs.

FLORIDA SERVICE BUREAU,  
Respondent.



REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct proceedings herein according to Rule 10-5.1(b)(6), Rules Regulating The Florida Bar, the following proceedings occurred:

The Petitioner, the Florida Bar, filed a petition against the Respondent, Florida Service Bureau, Inc. and, upon the issuance of an Order to Show Cause, the Respondent filed a response. The Supreme Court directed this matter be referred to the undersigned referee for findings and recommendations. On August 7, 1990, the referee held an evidentiary hearing, and heard from witnesses and counsel for the parties.

All of the aforementioned pleadings, attachments thereto, and exhibits received in evidence, and this report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent, at all times

material herein, was not and is not a member of the Florida Bar, and was not therefore licensed to engage in the practice of law in the State of Florida.

B. Narrative Summary of Case. Respondent is an eviction service that also assists landlords in rent collections. An employee of Respondent obtains information from the landlord verbally, in person, or over the telephone. Based on the information received from the landlord the Respondent prepares and serves a statutory three day notice. Respondent offers to file a tenant eviction complaint on the landlord's behalf. The Respondent advises landlords regarding legal matters. Specifically, the Respondent counsels landlords as to various legal remedies available to them, prepares legal forms necessary for the tenant eviction process and fills out the eviction notice and complaint where the landlord orally communicates this information. The complaint is prepared by the Respondent, then signed by an attorney. The attorney, who is not an employee of Respondent, does not verify the information contained in the complaint nor establish an attorney/client relationship. The attorney only has contact with the client, if and when, the case is litigated. Respondent maintains control over the legal services that are offered, maintains control over the day-to-day operation of the business, and controls who the clients will be. Respondent is paid by the landlord/client for rendering legal services. Respondent maintains the client's files and has access to the client's files. Respondent maintains and controls communications with the client.

III. RECOMMENDATIONS. Based upon the foregoing findings of fact, it is the recommendation of the undersigned Referee as follows:

A. That Florida Service Bureau, Inc. be found to have engaged in the unlicensed practice of law in the State of Florida.

B. That Florida Service Bureau, Inc. be restrained and enjoined from offering to fill out eviction forms where the landlord orally communicates the information to be filled in; offering to file initial tenant eviction complaints for corporations and landlords in residential eviction matters; counseling landlords and the public regarding legal matters and from otherwise engaging in the practice of law in the State of Florida.

C. That the costs of this proceeding be taxed against Respondent.

IV. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED


I find the following costs where reasonably incurred by the Florida Bar and voluntary bar counsel:

1. Investigator travel and expenses	<del>\$296.69</del> + 320.00	\$616.69
2. Grievance proceeding transcript		247.50
3. Court reporter hearing		120.00
4. Witness subpoena		48.00
5. Long distance phone calls		18.00
6. Parking		14.90
7. Postage and copies		18.00
8. Courier		<u>24.00</u>
Total		\$1,107.09

It is recommended that such costs be charged to Respondent and

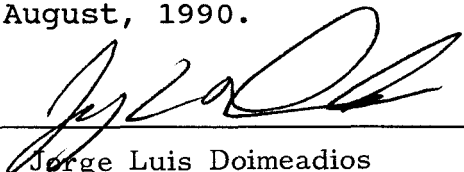
that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final.

Dated this 17<sup>th</sup> of August, 1990.

  
HONORABLE MARGARITA ESQUIROZ  
73 West Flagler Street  
Room 505  
Miami, FL 33130

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to SID J. WHITE, Clerk of the Supreme Court of Florida, Supreme Court Building, Tallahassee, FL 32301 and that copies were mailed by regular U.S. mail to SCOTT W. SAKIN, ESQ., Florida Bar Counsel, 1411 N.W. North River Drive, Miami, FL 33125; MARY ELLEN BATEMAN, ESQ., UPL Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300; BERNARD B. WEKSLER, ESQ., Attorney for Respondent, 2655 LeJeune Road, Coral Gables, FL 33134 on this 20<sup>TH</sup> day of August, 1990.

  
Jorge Luis Doimeadios  
Judicial Assistant to  
Judge Margarita Esquiroz